

# The Gazette (of) India

## EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

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No. 50] NEW DELHI, FRIDAY, DECEMBER 19, 1952

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### MINISTRY OF LAW

*New Delhi, the 19th December, 1952*

The following Acts of Parliament received the assent of the President on the 18th December, 1952 and are hereby published for general information:—

### THE INDIAN PATENTS AND DESIGNS (AMENDMENT) ACT, 1952

No. LXX of 1952

[18th December, 1952]

### An Act further to amend the Indian Patents and Designs Act, 1911

BE it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Indian Patents and Designs (Amendment) Act, 1952.

**2. Insertion of new section 23CC in Act II of 1911.**—After section 23C of the Indian Patents and Designs Act, 1911 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

“23CC. *Inventions relating to food or medicine, etc.*—(1) Without prejudice to the foregoing provisions of this Act, where a patent is in force in respect of—

(a) a substance capable of being used as food or medicine or in the production of food or medicine; or

(b) a process for producing such a substance as aforesaid; or

(c) any invention capable of being used as or as part of a surgical or curative device,

the Controller shall, on application made to him by any person interested, order the grant to the applicant of a licence under the patent on such terms as he thinks fit, unless it appears to him that there are good reasons for refusing the application.

(2) In settling the terms of licences under this section the Controller shall endeavour to secure that food, medicines, and surgical and curative devices shall be available to the public at the lowest prices consistent with the patentees' deriving a reasonable advantage from their patent rights.

(3) A licence granted under this section shall entitle the licensee to make, use, exercise and vend the invention as a food or medicine, or for the purposes of the production of food or medicine or as or as part of a surgical or curative device, but for no other purposes."

**3. Amendment of section 23D, Act II of 1911.**—In sub-section (1) of section 23D of the principal Act, for the words, figures and letter 'or section 28A' the words, figures and letters 'section 28A or section 23CC' shall be substituted.

**4. Amendment of section 23E, Act II of 1911.**—In section 23E of the principal Act—

(a) in sub-section (1), for the words, figures and letter 'or section 23B', the words, figures and letters 'section 23B or section 23CC' shall be substituted;

(b) in sub-section (2), after the words, figures and letter 'or section 23B' the words, figures and letters 'or section 23CC' shall be inserted.

**5. Amendment of section 23F, Act II of 1911.**—In sub-section (1) of section 23F of the principal Act, after the word, figures and letter 'section 28B' the words, figures and letters 'or under section 23CC' shall be inserted.

## THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1952

No. LXXI of 1952

[18th December, 1952]

An Act further to amend the Code of Civil Procedure, 1908.

Enacted by Parliament as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1952.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Amendment of section 44A, Act V of 1908.**—In section 44A of the Code of Civil Procedure, 1908,—

(a) in sub-section (1), the words "the United Kingdom or" shall be omitted;

(b) for *Explanations* 1 to 3 inclusive, the following *Explanations* shall be substituted, namely:—

"*Explanation* 1.—'Reciprocating territory' means any country or territory outside India which the Central Government may, by notification in the Official Gazette, declare to be a reciprocating

territory for the purposes of this section; and 'Superior Courts', with reference to any such territory, means such courts as may be specified in the said notification.

*Explanation 2.*—'Decree' with reference to a superior court means any decree or judgment of such court under which a sum of money is payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty, but shall in no case include an arbitration award, even if such an award is enforceable as a decree or judgment."

## THE MYSORE HIGH COURT (EXTENSION OF JURISDICTION TO COORG) ACT, 1952

No. LXXII of 1952

[18th December, 1952]

An Act to extend the jurisdiction of the High Court of Mysore to the State of Coorg and to provide for matters connected therewith.

Be it enacted by Parliament as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Mysore High Court (Extension of Jurisdiction to Coorg) Act, 1952.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**—In this Act,—

(a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;

(b) "Coorg Order" means the Madras High Court (Extension of Jurisdiction to Coorg) Order, 1948, made by the Governor General on the 28th day of February, 1948;

(c) "proceeding in relation to Coorg" means any appeal or other proceeding from, or in respect of, any judgment, decree or order of any court or tribunal within the State of Coorg.

**3. Extension of jurisdiction of Mysore High Court to, and exclusion of the jurisdiction of Madras High Court from, Coorg.**—Save as otherwise expressly provided in any other enactment, as from the appointed day,—

(a) the jurisdiction of the High Court of Mysore shall extend to the whole of the State of Coorg; and

(b) the jurisdiction of the High Court at Madras to entertain, or dispose of, any proceeding in relation to Coorg, whether such jurisdiction is exercisable by virtue of the Coorg Order or of any enactment specified in the Schedule, shall cease.

**4. Transfer of pending proceedings to Mysore High Court.**—Save as otherwise expressly provided in any other enactment, all proceedings in relation to Coorg pending in the High Court at Madras immediately before the appointed day shall by virtue of this Act stand transferred to the High Court of Mysore and shall be disposed of by it in exercise of the jurisdiction conferred on it by this Act.

**5. Effect of orders of Madras High Court.**—Any judgment, decree or order in any proceeding in relation to Coorg made before the appointed day by the High Court at Madras shall, for all purposes have effect, not only as a judgment, decree or order of that court, but also as if it were a judgment, decree or order made by the High Court of Mysore in the exercise of the jurisdiction conferred on it by this Act

**6. Amendment of certain enactments.**—The enactments specified in the Schedule shall be amended in the manner specified therein

**7. Coorg Order to cease to have effect.**—As from the appointed day, the Coorg Order shall cease to have effect.

### THE SCHEDULE

(See Section 6)

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| 1 The Indian Divorce Act, 1869 (IV of 1869)             | In sub-clause (e) of clause (1) of section 3, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted   |
| 2 The Indian Stamp Act, 1899 (II of 1899)               | In clause (e) of sub-section (1) of section 57, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted |
| 3 The Indian Patents and Designs Act, 1911 (II of 1911) | In sub-clause (e) of clause (7) of section 2, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted   |
| 4. The Official Trustees Act, 1913 (II of 1913)         | In sub-clause (e) of clause (2) of section 2, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.  |
| 5 The Administrator General's Act, 1913 (III of 1913)   | In sub-clause (e) of clause (12) of section 2, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted  |

K. V. K. SUNDARAM,  
*Secy to the Govt of India.*